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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,728	11/19/2003	Robert D. Galli	E001 P00759-US2	6303
3017	7590	09/28/2005		EXAMINER
				REHM, ADAM C
			ART UNIT	PAPER NUMBER
				2875

DATE MAILED: 09/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/716,728	GALLI, ROBERT D. 
	Examiner	Art Unit
	Adam C. Rehm	2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 04 August 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-11 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 12-23 is/are allowed.
- 6) Claim(s) 1 and 3-8 is/are rejected.
- 7) Claim(s) 2 and 9-11 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____

- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

DETAILED ACTION

Drawings

1. The replacement drawings for Figs. 3 and 4 were received on 8/4/2005 and are accepted.

Response to Amendment

2. Applicant's corrected drawings render the 35 USC 112 rejection of Claims 2, 4, 9, 13 and 19 moot. As such, those rejections are withdrawn.
3. Applicant's amendment to Claims 12 and 18, rejected under 35 USC 112, are noted and the rejections are withdrawn.

Response to Arguments

4. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

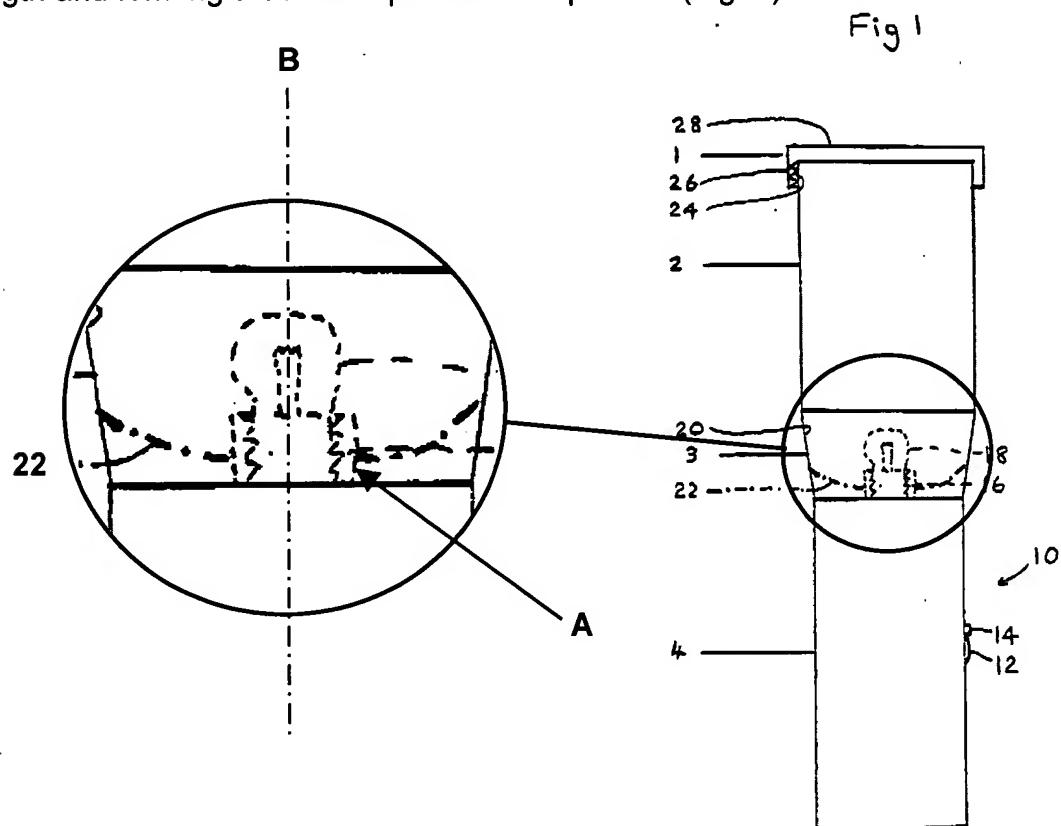
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 3 and 5-8 are rejected under 35 U.S.C. 102(b) as being anticipated by SMITH (GB 2,241,318).
6. Regarding Claim 1, SMITH provides, a tubular receiver sleeve (2/3) having a first end and a second end (either end of 2/3, Fig. 1) and a substantially planar end wall (22) at said first end, said end wall having an interior surface (interior surface of 22), an

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exterior surface (opposite to interior surface 22) and an aperture (Ref. A, Fig. 1 below) with an axis (Ref. B in Fig. 1 below) in said end wall; a non-reflective/matt black coating on said interior surfaces of said side wall and said end wall (Page 2, Lines 15-23); a lighting element (18) with optical end and axis (B) received on the exterior of said receiver sleeve in alignment with said aperture and axis adjacent said exterior surface of said end wall (Fig. 1 below); and a lens on said second end (1, Fig. 1) having a focal length and forming a circular spot with sharp cutoff (Fig. 2).



Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over SMITH (GB 2,241,318). SMITH discloses the claimed invention, but does not specifically disclose an LED. However, the advantages of LEDs are well known. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the lighting element of SMITH to include an LED in order to obtain the well-known advantages thereof.

Allowable Subject Matter

8. Claims 2 and 9-11 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 102, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

9. Claims 12-23 are allowed.

10. The following is a statement of reasons for the indication of allowable subject matter: Claims 2 and 9-23 are allowable because none of the prior art of record suggests: a lighting head assembly having a non-reflective coating on an interior wall and a light element that is substantially entirely on the exterior side of the plane of the end wall, wherein light output from said light element is directed into an aperture.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

11. ROSZ (US 5,077,648) discloses a headlamp having a tubular sleeve.

12. RAUSSECK (US 2004/0240201) discloses a flashlight having an LED received on the exterior side of an end wall.

13. CUI (US 6,945,725) discloses an image-projecting pen with an LED received on the exterior side of a sleeve having an end wall.

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

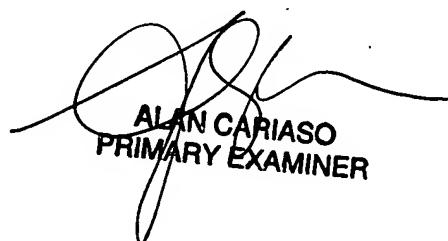
Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam C. Rehm whose telephone number is 571.272.8589. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571.272.2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ACR
9/23/2005



ALAN CARIASO
PRIMARY EXAMINER